

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA	*	CRIMINAL NO. 2:09-CR-274
v.	*	SECTION: C(2)
RAYMOND MOTEN	*	VIOLATION: 18 U.S.C. §1343
*	*	*

**FACTUAL BASIS**

Should this matter have gone to trial, the Government would have proved beyond a reasonable doubt, through the introduction of competent testimony and admissible tangible exhibits including the testimony of special agents of the Federal Bureau of Investigation (“FBI”), employees of the American Red Cross (“Red Cross”) and others, the following facts to support the allegations charged by the Grand Jury in the Indictment now pending against the defendant, **RAYMOND MOTEN**.

An employee of the Red Cross would testify that in the weeks and months after Hurricane Katrina, which struck southeastern Louisiana on August 29, 2005, the Red Cross maintained disaster recovery centers to assist victims of Hurricane Katrina. Through these recovery assistance efforts, the Red Cross provided financial assistance to residents displaced or otherwise affected by Hurricane Katrina. People affected by the storms were able to apply for a one-time only financial grant of up

to \$1,565 from the Red Cross. In order to receive these funds, applicants needed to present identification to a Red Cross representative that indicated residence in an affected zone. Applicants were also required to swear and attest that they had not received any undisclosed additional American Red Cross financial assistance at any other Red Cross assistance location.

Competent testimony would be introduced that once approved, the Red Cross made these disaster assistance funds available to applicants in one of a number of ways: (1) a Red Cross-issued “Client Assistance Card,” which the Red Cross purchased from national banks and which operated in a manner consistent with debit/credit/ATM cards, issued on-site or mailed, then activated by the applicant after approval; (2) a Red Cross-issued “Discover” card, issued on-site or mailed, and activated via phone by the applicant; (3) a Red Cross-issued “Capital One” card, issued on-site or mailed to the applicant; (4) a Red Cross-issued “Visa” card, delivered on-site or mailed to the applicant; (5) a personal check made payable to the applicant by Paychex, Inc.,<sup>1</sup> mailed to the applicant via the United States Postal Service from New York; (6) a Western Union money wire, sent to the applicant at local Western Union outlets; (7) a personal check made payable to the applicant, authorized by the Red Cross, and delivered on-site or mailed through the United States Postal Service to an address provided by the applicant; (8) a Traveler’s Check made payable to the applicant and delivered on-site; (9) a money orders delivered to the applicant on-site; (10) a disbursement order, which include instruments that could be cashed at a bank or used to purchase goods and services at stores and hotels, delivered to the applicant on-site; or (11) cash, delivered on-

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<sup>1</sup>Paychex, Inc., a Rochester, NY-based company that had volunteered its services to the Red Cross and processed personal checks to applicants as deemed appropriate and authorized by the Red Cross. These checks were processed and issued to applicants via the United States Postal Service.

site to the applicant.

Testimony by an employee of the Red Cross and admissible exhibits would be introduced to prove that the defendant, **RAYMOND MOTEN**, presented himself to Red Cross assistance centers on six (6) occasions between on or about September 10, 2005 and on or about October 7, 2005. During these visits, **RAYMOND MOTEN** applied for financial assistance and indicated that he had not received any other financial assistance from the Red Cross. As a result of his actions on these 6 applications, **RAYMOND MOTEN** received direct financial assistance from the Red Cross totaling \$6,620, of which \$5,055.00 was obtained by fraud. Competent testimony and admissible exhibits would be introduced to prove that one of the six occasions when **RAYMOND MOTEN** applied for assistance took place on or about October 4, 2005, when the defendant applied for and falsely and fraudulently received a pre-loaded Discover credit card from the Red Cross at an assistance center located in Slidell, Louisiana, within the Eastern District of Louisiana. Competent and admissible evidence would be introduced to prove that, on this October 4, 2005 Red Cross financial assistance application, **MOTEN** represented that he had not received any other Hurricane Katrina or Rita financial assistance from any other Red Cross assistance center when, in truth and fact, as he well knew, he had received such assistance on prior occasions.

An employee of Discover would testify and admissible records would be submitted to prove that on or about October 7, 2005, a Discover credit card, numbered XXXX-XXXX-XXXX-5277, issued by the Red Cross to **RAYMOND MOTEN** on or about October 4, 2005, was used at Milano's, a men's apparel store, located in Slidell, Louisiana, within the Eastern District of Louisiana. This transaction caused certain writings, signs, signals, and sounds to be sent from the point of purchase, in Slidell, Louisiana, in interstate commerce, to Discover Financial Services

network computers and servers, located outside the State of Louisiana, authorizing and allowing the defendant, **RAYMOND MOTEN**, to receive the property, goods, services, and money purchased in Slidell, Louisiana, by use of the falsely and fraudulently obtained Discover credit card issued to **RAYMOND MOTEN** on October 4, 2005.

READ AND APPROVED:

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MATTHEW S. CHESTER (Date)  
Assistant U.S. Attorney  
Texas Bar No. 24045650

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CINDY CIMINO (Date)  
Assistant Federal Public Defender  
Counsel for Raymond Moten  
LA Bar Roll No. \_\_\_\_\_

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RAYMOND MOTEN (Date)  
Defendant